

OFFICIAL COPY

Fresno, California

October 1, 2002

The City Council met in regular session at the hour of 8:32 a.m. in the Council Chambers, City Hall, on the day above written.

Present:	Tom Boyajian	Councilmember
	Brian Calhoun	Councilmember
	Brad Castillo	Acting Council President
	Jerry Duncan	Councilmember
	Sal Quintero	Councilmember
	Dan Ronquillo	Councilmember
	Henry Perea	Council President

Dan Hobbs, City Manager
Hilda Cantu Montoy, City Attorney
Becky Klisch, City Clerk
Yolanda Salazar, Assistant City Clerk

Pastor Michael Zavala, Cornerstone Church, gave the invocation, and Michelle, a student in the audience, led the Pledge of Allegiance to the Flag.

City Manager Hobbs introduced Adella Gonzales, the City's new Personnel Director, and Robert Hendricks, the new ISD Director, who were welcomed by Council.

PRESENTATION OF 2ND QUARTER, FRESNO AREA EXPRESS DRIVER APPRECIATION AWARDS

Presented.

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APPROVE MINUTES OF SEPTEMBER 24, 2002

On motion of Councilmember Ronquillo, seconded by Acting President Castillo, duly carried, RESOLVED, the minutes of September 24, 2002, approved, *as amended*, by Councilmember Calhoun, on Page 140-136, adding a sentence to the first paragraph stating Councilmember Calhoun expressed his concern with the proceedings and left the dais at 6:17 p.m., and showing him returning for the 2:00 p.m. item at 6:26 p.m.

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APPROVE AGENDA:

(9:45 A.M.) DIRECT PREPARATION OF AN ACTUARIAL REPORT REGARDING PUBLIC SAFETY RETIREMENT OPTION OF 3% at 50 - COUNCILMEMBER DUNCAN

Removed from the agenda by Councilmember Duncan who advised he would be bringing the issue back in one week with written information.

COMMENDATION TO PUBLIC WORKS TRAFFIC ENGINEERING STAFF FOR INSTALLATION OF STADIUM DIRECTIONAL SIGNS ALONG THE KINGS CANYON CORRIDOR - COUNCILMEMBER QUINTERO

Commendation made.

ANNOUNCEMENT OF FUTURE REPORT TO COUNCIL ON JOINT MEETING WITH THE MADERA BOARD OF SUPERVISORS PRELIMINARILY SET FOR JANUARY 14, 2003 - COUNCILMEMBER CALHOUN

Announcement made.

DIRECT STAFF TO SCHEDULE ON THE OCTOBER 8TH AGENDA: REPORT/DISCUSSION ON COUNCIL RULES AND PROTOCOL - COUNCILMEMBER CALHOUN

Direction made.

(2:00 P.M. "D") APPROVE ACQUISITION OF RESIDENCE AT 1229 N. LINDEN AVENUE FROM CAROL SIMERLY AND DIRECT THE PUBLIC WORKS DEPARTMENT TO PURSUE RELOCATION OF THE DWELLING TO A CITY-OWNED LOT ON FRUIT AVENUE

Laid over to October 8, 2002, at 11:15 a.m. at the direction of Councilmember Boyajian.

REQUEST FOR MOMENT OF SILENCE FOR GREYHOUND BUS ACCIDENT VICTIMS - COUNCILMEMBER RONQUILLO

Moment of silence observed.

ANNOUNCEMENT OF NOON RECEPTION FOR VISITING FIREFIGHTERS FROM ROME, ITALY - PRESIDENT PEREA

Announcement made.

On motion of Councilmember Ronquillo, seconded by Acting President Castillo, duly carried, **RESOLVED**, the **AGENDA** hereby approved, by the following vote:

Ayes	:	Boyajian, Calhoun, Castillo, Duncan, Quintero, Ronquillo, Perea
Noes	:	None
Absent	:	None

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ADOPT CONSENT CALENDAR:

(1-A) APPROVE SALE OF FOUR SMALL ABANDONED CITY WATER WELL SITES TO ADJACENT OWNERS, AND AUTHORIZE THE PUBLIC WORKS DIRECTOR TO EXECUTE ALL APPROPRIATE DOCUMENTS TO COMPLETE THE TRANSACTIONS

(1-B) APPROVE SALE OF CITY OWNED SURPLUS LAND AT SAN JOSE AND MARKS AVENUES TO JOE SECCO FOR THE PRICE OF \$3,000, AND AUTHORIZE THE PUBLIC WORKS DIRECTOR TO EXECUTE THE APPROPRIATE DOCUMENTS TO COMPLETE THE TRANSACTION THROUGH ESCROW

(1-D) RESOLUTION NO. 2002-311 - AUTHORIZING CERTAIN FINANCE OFFICERS TO SIGN CITY CHECKS AND VARIOUS INVESTMENT AND COMMERCIAL BANKING DOCUMENTS AND PROVIDE VERBAL INSTRUCTIONS AS REQUIRED FOR THE PRUDENT FINANCIAL ADMINISTRATION AND SAFEKEEPING OF CITY FUNDS

(1-E) ACCEPT A BEQUEST FROM THE KEMPEN FAMILY DESCENDANTS TRUST FOR \$5,000 TO ENABLE THE FIRE DEPARTMENT TO CONDUCT PUBLIC CPR TRAINING

1. * RESOLUTION NO. 2002-312 - 24TH AMENDMENT TO AAR 02-216 INCREASING APPROPRIATIONS IN THE FIRE DEPARTMENT'S BUDGET BY \$5,000

(1-G) ACCEPT AN AMENDED AWARD OF \$250,000 FROM THE US. DEPARTMENT OF JUSTICE, OFFICE OF COMMUNITY ORIENTED POLICING FOR THE COPS IN SCHOOLS GRANT

1. * RESOLUTION NO. 2002-313 - 28TH AMENDMENT TO AAR 02-216 APPROPRIATING \$225,800 FOR THE COPS IN SCHOOLS GRANT

2. * RESOLUTION NO. 2002-314 - 6TH AMENDMENT TO PAR 02-217 ADDING POSITIONS TO THE POLICE DEPARTMENT FOR THE COPS IN SCHOOLS GRANT

(1-H) (REMOVED FROM THE AGENDA)

(1-I) APPROVE LEASE AGREEMENT WITH THE CYPRESS GROUP DBA BUDGET RENT-A-CAR TO OCCUPY PREMISES AT THE FRESNO YOSEMITE INTERNATIONAL AIRPORT (FYI)

(1-J) APPROVE AMENDMENT NO. 1 TO THE PROFESSIONAL SERVICES AGREEMENT WITH SHUTT MOEN ASSOCIATES FOR DESIGN CONSULTANT SERVICES FOR THE FRESNO CHANDLER DOWNTOWN AIRPORT AIRFIELD IMPROVEMENTS FUNDED BY FAA AIP GRANT NOS. 30-06-0088-04, 05, AIP FFO2 FCH, AND STATE OF CALIFORNIA TRANSPORTATION COMMISSION, CALIFORNIA AID TO AIRPORT PROGRAM (CAAP) GRANT, CAAP FRE 2-99-1

(1-K) RESOLUTION NO. 2002-315 - AUTHORIZING SUBMITTAL OF A GRANT APPLICATION FOR \$1,200,000 TO THE CALIFORNIA DEPARTMENT OF PARKS AND RECREATION UNDER THE RECREATIONAL TRAILS PROGRAM FOR ACQUISITION FUNDING FOR ROEDING TREE CIRCLE

1. AUTHORIZE THE PARKS AND RECREATION DIRECTOR OR DESIGNEE TO EXECUTE AND SUBMIT ALL DOCUMENTS, INCLUDING BUT NOT LIMITED TO, APPLICATIONS, AGREEMENTS, AMENDMENTS AND PAYMENT REQUESTS WHICH MIGHT BE NECESSARY FOR THE COMPLETION OF THIS PROJECT

On motion of Councilmember Ronquillo, seconded by Councilmember Calhoun, duly carried, RESOLVED, the above entitled **CONSENT CALENDAR** hereby approved, by the following vote:

Ayes	:	Boyajian, Calhoun, Castillo, Duncan, Quintero, Ronquillo, Perea
Noes	:	None
Absent	:	None

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(3-A) AWARD A REQUIREMENTS CONTRACT TO PROVIDE UNIFORM AND LAUNDRY SERVICE

On motion of Councilmember Calhoun, seconded by Acting President Castillo, duly carried, RESOLVED, a three-year contract with one three-year extension hereby awarded to Cintas Corporation in the estimated amount of \$120,853.20 for Sections 1 and 2, non-supervisory and supervisory employee uniforms; a three-year contract with one-three year extension hereby awarded to Prudential Overall supply in the estimated amount of \$5,374.20 for Section 3, Convention Center employee uniforms; and a three-year contract with one three-year extension hereby awarded to Cintas Corporation in the estimated amount of \$8,408.40 for Section 4, Chaffee Zoo employee uniforms, by the following vote:

Ayes	:	Boyajian, Calhoun, Castillo, Duncan, Quintero, Ronquillo, Perea
Noes	:	None
Absent	:	None

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(5-A) REQUEST THE CREATION OF A 108 LOAN PROGRAM USING CDBG FUNDS FOR LOANS TO CREDIT WORTHY BUSINESS INVESTORS DEVELOPING IN THE DOWNTOWN AND INNER-CITY AREAS - COUNCILMEMBER BOYAJIAN

Reviewed by Councilmember Boyajian who spoke to the need for, and explained, the 108 loan program, and clarified the funds would provide the extra money needed in some cases to make a deal happen. Councilmember Ronquillo recommended the funds be limited to property acquisition and improvements as opposed to business loans and explained the risks with loans. City Manager Hobbs and Councilmember Boyajian responded to questions of Councilmember Calhoun relative to whether the funds would be limited to commercial or anything in CDBG areas, how the funds have been used in the past and why they haven't been used this way. Mr. Hobbs stated City and Agency staff could report back in three weeks describing how the program would work, including risks at the request of Councilmember Calhoun. Councilmember Ronquillo clarified issues relative to the city's investment in the Foster Farms turkey plant stating the building was now worth \$42 million on the tax rolls and employed 900 people, the Bulldog Brewery building pointing out CDBG funds were not involved, and the Guarantee Savings building stating it was currently worth \$35 million. Councilmember Duncan spoke to the need to focus on capital improvements and not operations, requested SB 972 issues and the ability to get private businesses to locate here also be included in the report, and stated his support for looking into the issue further.

Barbara Hunt, 2475 S. Walnut, spoke to the issue.

By Council consensus, staff to report back in three weeks on the creation of a 108 loan program using CDBG funds for loans to credit worthy business investors developing in the downtown and inner-city areas.

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(9:05 A.M.) APPEARANCE BY CHERYL RUDD REGARDING UPDATE ON SBC PACIFIC BELL 2002

Appearance made with Ms. Rudd speaking to the activities SBC Pacific Bell has participated in the past year. President Perea and Councilmember Boyajian commended Pacific Bell for being a great corporate sponsor and for their contributions, with Ms. Rudd responding briefly to questions relative to their long distance service. Councilmember Ronquillo spoke briefly to high technology infrastructure but stated the lack of basic infrastructure such as sidewalks, curbs, water, etc. **(2 - 0)** was hurting the community and explained. Acting President Castillo noted SBC employees last year provided Christmas gifts for underprivileged children and thanked them for all they do.

Barbara Hunt, 2475 S. Walnut, commended SBC and spoke to the lack of written material on the issue.

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(5-B) REQUEST FOR A STAFF ESTIMATE OF THE COST TO MAINTAIN THE MEDIAN ISLAND/PARK STRIP ON KEARNEY BOULEVARD FROM FRESNO STREET TO MARKS AVENUE; REPORT TO BE PROVIDED BY TRAY MEMO BY OCTOBER 7, 2002 - COUNCILMEMBER RONQUILLO

Briefly reviewed by Councilmember Ronquillo who advised of complaints he has received from area residents and requested information on actual funds budgeted, expended, and who provides the maintenance. City Manager Hobbs stated staff would provide a report in one week as requested.

Barbara Hunt, 2475 S. Walnut, spoke in support of the issue.

There was no further discussion.

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RECESS - 9:26 A.M. - 9:32 A.M.

(9:30 A.M.) RESOLUTION NO. 2002-316 - URGING SUPPORT FOR THE \$161 MILLION BOND ISSUE FOR NEW AND IMPROVED FACILITIES FOR THE STATE CENTER COMMUNITY COLLEGE DISTRICT - COUNCILMEMBER QUINTERO

Reviewed by Councilmember Quintero who stated after Council's meeting on August 20th he met with three members of the SCCCCD which resulted in a "clearing of the air"; read his report to Council into the record which stated he was now in support of the bond issue because of a letter of support from Dr. Redwine for funds from the bond issue for southeast Fresno; stated the bond would help in the overall regional planning and explained; and made a motion to adopt the resolution, which motion was seconded and acted upon after extensive discussion.

Speaking to the issue were: Barbara Hunt, 2475 S. Walnut, who spoke to the need for a campus downtown or in southwest Fresno; Wendell Stephenson, FCC faculty member, 1581 W. Escalon, who spoke in support of, and to the need for, the bond; and John Wallace, Co-Chairman of Measure "E", who spoke to the plans for southeast Fresno.

Councilmember Boyajian spoke to the issue at length; stated his item considered by Council on August 20th was about the Willow/International site and had nothing to do with the bond; spoke to, and read portions of, the Fresno Bee's editorial expressing his concern and clarifying issues; stressed at issue was the impact on the environment and elaborated; advised he responded to the Bee's editorial to clarify the basis of his resolution was to urge the SCCCDC to select an alternative site and to consult with Council to select a mutually agreeable site but his response was not published; expanded further on his response which indicated his opposition was due to land use, perceived lack of planning for the site, environmental concerns, and general abandonment of other inner-city sites and elaborated; and stated the bond had good and bad points and presented questions relative to impacts the campus would have on the environment, with SCCCDC Chancellor Redwine and City Attorney Montoy responding to questions and/or clarifying issues.

Councilmembers Ronquillo and Duncan spoke in support of the resolution and commented on various issues including need for alternative transportation, SCCCDC not being at fault for the city's environmental problems, need for satellite systems to stop the commute "madness", commendation to Councilmember Quintero for changing his position and bringing the issue forward, the issue this date being an official Council position in support of Measure "E" and education in the community, the bond measure significantly improving the educational opportunities for children and adults who want to improve their lives, serious problems facing the community including poverty and the skill level of the workforce, SCCCDC and their system being the critical component needed to change the unemployment rate, **(3 - 0)** growth causing impacts on the environment no matter where it occurs and the bond having nothing to do with environmental impacts, Measure E responding to Fresno's future growth to the southeast with an \$80 million investment and providing tremendous educational opportunities, and SCCCDC's recognition of northeast's existing diverse and significant population growth and meeting the need.

Acting President Castillo and President Perea spoke in opposition commenting and expressing their concern on various issues including the northeast campus going against everything the city was proposing for the general plan, the northeast campus (when completed) being full of students from southeast and southwest Fresno, SCCCDC stating their (1) "hope" to be able to leverage the \$40 million commitment to southeast Fresno and (2) "intent" to apply for matching State funds and concern with lack of firm commitment, bringing the Career & Technology Center to the southeast campus sending a message to southeast/southwest students that they will be "great mechanics and body and fender men", concern with the lack of programs at the southeast campus for police, fire and nursing, questioning relative to whether police/fire/nursing classes will be offered at the southeast campus before being offered to the northeast campus, what the chance was for obtaining matching State funds, Acting President Castillo clarifying he (1) supported the bond, (2) did not appreciate the Fresno Bee painting Council as "anti-education", and (3) his opposition was only to the northeast location, questions by President Perea relative to what the Mayor's position was on the matter, if the Mayor had received any written documentation/response to his letter conditioning approval based on the funding and including that language in the bond, if the names of the developers were known on both the Fresno and Clovis sides of the northeast site, proximity of the northeast campus to the Clovis side and how that weighed in with Fresno's shift in growth to the southeast, if zoning changes would come before council, if the 107 acre campus would be a satellite or full-service campus, if the Mayor's support was based solely on his understanding that the northeast campus would be a satellite campus only, Dr. Redwine clarifying the northeast campus was being designed to be a satellite campus and not a duplication of the City College campus, what the difference was between satellite and full-service campus, and type of facilities that will be built. President Perea stated his opposition to the issue was due to the general plan, noted the technology center at the southeast campus was great but would not be an inducement, and stated the "intent" to apply for match funds and the "hope" to leverage the \$40 million commitment was also great but a commitment would be stronger, with City Manager Hobbs, Planning & Development Director Yovino and Dr. Redwine responding to questions and/or clarifying issues.

On motion of Councilmember Quintero, seconded by Councilmember Ronquillo, duly carried, RESOLVED, the above entitled Resolution No. 2002-316 hereby adopted, by the following vote:

Ayes	:	Calhoun, Duncan, Quintero, Ronquillo
Noes	:	Boyajian, Castillo, Perea
Absent	:	None

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(10:00 A.M.) HEARING ON REZONING APPLICATION NO. R-02-024 AND ENVIRONMENTAL FINDINGS FILED BY RICHARD GORMAN, PROPERTY LOCATED ON THE NORTH SIDE OF W. NIELSEN BETWEEN N. HUGHES AND S. WEST AVENUES (LOCATED IN DISTRICT 3)

1. CONSIDER AND ADOPT FINDING OF MITIGATED NEGATIVE DECLARATION FOR ENVIRONMENTAL ASSESSMENT NO. R-02-024/C-02-141

1. BILL NO. B-53 - ORDINANCE NO. 2002-53 - AMENDING THE OFFICIAL ZONE MAP TO REZONE FROM AE-20 TO C-M

President Perea announced the time had arrived to consider the issue and opened the hearing.

Dirk Poeschel, 2310 Tulare Street, representing the applicant, stated the existing access would remain the same.

Barbara Hunt, 2475 S. Walnut, spoke in opposition.

Upon call, no one else wished to be heard and President Perea closed the hearing.

City Attorney Montoy and Planner Gerster clarified there was no access issue with the rezone application and it would be dealt with at the conditional use permit stage. An unidentified gentleman representing the applicant also confirmed there was no condition or restriction on the access.

On motion of Councilmember Ronquillo, seconded by Councilmember Quintero, duly carried, RESOLVED, the finding of a Mitigated Negative Declaration for Environmental Assessment No. C-02-141/R-02-024, dated July 29, 2002, hereby approved; and the above entitled Bill No. B-53 adopted as Ordinance No. 2002-53, by the following vote:

Ayes	:	Boyajian, Calhoun, Castillo, Duncan, Quintero, Ronquillo, Perea
Noes	:	None
Absent	:	None

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(10:30 A.M.) CONTINUED HEARING ON TEXT AMENDMENT NO. TA-02-01 - AMENDING THE TEXT OF THE FRESNO MUNICIPAL CODE TO STREAMLINE THE REZONING PROCESS AND MAKE MINOR CLARIFICATION CHANGES TO OTHER SECTIONS OF THE ZONING ORDINANCE

1. * BILL NO. B-51 - ORDINANCE NO. 2002-54 - APPROVING TEXT AMENDMENT NO. TA-02-01 AMENDING THE TEXT OF THE FRESNO MUNICIPAL CODE TO STREAMLINE THE REZONING PROCESS AND MAKE MINOR CLARIFICATION CHANGES TO OTHER SECTIONS OF THE ZONING ORDINANCE

President Perea announced the time had arrived to consider the issue and opened the hearing.

Barbara Hunt, 2475 S. Walnut, spoke in opposition. Councilmember Calhoun left the dais at 10:50 a.m.

Upon call, no one else wished to be heard and President Perea closed the hearing.

On motion of Councilmember Ronquillo, seconded by Councilmember Quintero, duly carried, RESOLVED, the finding of No Possibility of Significant Adverse Effects prepared for the project hereby adopted; and the above entitled Bill No. B-51 adopted as Ordinance No. 2002-54, by the following vote:

Ayes	:	Boyajian, Castillo, Duncan, Quintero, Ronquillo, Perea
Noes	:	None
Absent	:	Calhoun

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(10:45 A.M.) CONTINUED HEARING TO CONSIDER ADOPTION OF A RESOLUTION AMENDING THE CITY OF FRESNO'S NONDISPOSAL FACILITY ELEMENT

1. RESOLUTION NO. 2002-317 - AMENDING THE CITY OF FRESNO'S NONDISPOSAL FACILITY ELEMENT

President Perea announced the time had arrived to consider the issue and opened the hearing.

Assistant Public Utilities Director Weimiller reviewed the issue as contained in the staff report as submitted, and a motion was made to approve staff's recommendation. Councilmember Calhoun returned to the meeting at 10:55 a.m.

Barbara Hunt, 2475 S. Walnut, spoke in opposition.

Upon call, no one else wished to be heard and President Perea closed the hearing.

Mr. Weimiller responded briefly to questions of Councilmember Boyajian relative to whether this would apply to other companies and if there would be others who may apply.

On motion of Councilmember Ronquillo, seconded by Councilmember Duncan, duly carried, RESOLVED, the above entitled Resolution No. 2002-317 hereby adopted, by the following vote:

Ayes	:	Boyajian, Calhoun, Castillo, Duncan, Quintero, Ronquillo, Perea
Noes	:	None
Absent	:	None

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RECESS - 10:57 A.M. - 11:03 A.M.

(11:00 A.M.) RESOLUTION NO. 2002-318 - ADOPT A WATER SUPPLY ASSESSMENT (WSA) FOR THE COPPER RIVER RANCH PROJECT PURSUANT TO SB 610

was adequate water supply to serve the project and adoption of the WSA would not supplant the future CEQA process.

Speaking to the issue were: Jeff Roberts, representing the applicant, who concurred with staff's recommendation **(4 - 0)**; and Barbara Hunt, 2475 S. Walnut. Councilmember Calhoun questioned if individuals had the right to speak three minutes on every item before Council, with City Attorney Montoy stating it was allowed under the Brown Act. Councilmember Calhoun briefly left the dais at 11:09 a.m. and Ms. Hunt concluded her comments.

Upon question of Councilmember Duncan, Mr. McIntyre stated this was in compliance with State law. A motion and second was made to adopt the resolution.

Mr. McIntyre and Planning & Development Director clarified issues and/or responded at length to questions of Councilmember Boyajian relative to the assessment document, what the code provided for and what the basic thresholds were, why Council has been told there was a problem with water yet the assessment indicated there was not (with Mr. McIntyre clarifying there was only a problem with water facilities and not supply), impact on the 60,000 acre feet of water, when the CEQA analysis would occur, who selected and paid for the geologist, cost for farmland irrigation, if the law allowed the developer to select and pay for the expert, if reclaimed wastewater would be used, calculations on water use, amount of water currently used in the area and amount before the golf course, water runoff, infrastructure and if the developer would pay for it, Copper River entitlements, and the EIR.

On motion of Councilmember Duncan, seconded by Councilmember Calhoun, duly carried, RESOLVED, the above entitled Resolution No. 2002-318 hereby adopted, by the following vote:

Ayes	:	Boyajian, Calhoun, Castillo, Duncan, Quintero, Ronquillo, Perea
Noes	:	None
Absent	:	None

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UNSCHEDULED ORAL COMMUNICATIONS:

APPEARANCE BY BARBARA HUNT REGARDING A (1) COMMENTS MADE TO STAFF AND COUNCIL BY A DEVELOPER, AND (2) HER RIGHT TO SPEAK ON COUNCIL ISSUES

Appearance made; no action taken.

APPEARANCE BY JACQUELINE HOWARD REGARDING LACK OF COUNCIL ATTENTION TO MS. HUNT WHEN SHE SPEAKS

Appearance made with President Perea responding.

APPEARANCE BY GLORIA TORREZ REGARDING (1) CONCURRENCE WITH THE PRIOR SPEAKER AND

NEED FOR MUTUAL RESPECT, (2) HER REQUEST OF 7/30/02, FOR WRITTEN LIST OF CARRY-OVER MONIES FROM EACH DEPARTMENT AND WHERE IT IS TRANSFERRED, AND (3) LEGALITY OF ITEM 1-D THIS DATE ALLOWING CERTAIN EMPLOYEES TO SIGN CHECKS AND NEED FOR PROPER DOCUMENTATION

Appearance made with President Perea responding.

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LUNCH RECESS - 11:34 A.M. - 2:02 P.M. Councilmember Ronquillo arrived later.

(2:00 P.M. #1) CONTESTED CONSENT CALENDAR ITEMS FROM 9/24/02:

(A) APPROVE CONTRACT WITH CENTRAL UNIFIED SCHOOL DISTRICT TO PROVIDE A SCHOOL RESOURCES OFFICER TO THE CENTRAL HIGH EAST CAMPUS AND CERTAIN MIDDLE SCHOOLS WITHIN THE DISTRICT

Deputy Chief Frost responded to questions of Councilmember Calhoun and clarified issues relative to whether staff thought about recovering full costS next year, number of officers involved, the COPS grant, and amount of time the officer would be working at the schools.

On motion of Councilmember Calhoun, seconded by Councilmember Quintero, duly carried, RESOLVED, a contract with the Central Unified School District to provide a School Resources Officer to the Central High East campus and certain middle schools within the District hereby approved, by the following vote:

Ayes	:	Boyajian, Calhoun, Castillo, Duncan, Quintero, Perea
Noes	:	None
Absent	:	Ronquillo

(B) APPROVE PROFESSIONAL SERVICES AGREEMENT WITH REINARD W. BRANDLEY, AIRPORT CONSULTING ENGINEER, FOR DESIGN OF THE FRESNO YOSEMITE INTERNATIONAL AIRPORT TO REHABILITATE TAXIWAY A, REHABILITATE RUNWAY 11L/29R PHASE 1, AND REHABILITATE TAXIWAYS B2 & B3 PHASE I DESIGN, UNDER FEDERAL AVIATION ADMINISTRATION AIP GRANT NO. 3-06-0087-35

Acting President Castillo advised his questions had been answered by staff and made a motion to approve.

On motion of Acting President Castillo, seconded by Councilmember Quintero, duly carried, RESOLVED, the agreement between the City and Reinard W. Brandley, Airport Consulting Engineer, to provide professional services for design of airport improvements at the Fresno Yosemite International Airport hereby approved, subject to final approval by the FAA; and the Public Works Director and Interim Director of Transportation authorized to sign the agreement on behalf of the City, by the following vote:

Ayes	:	Boyajian, Calhoun, Castillo, Duncan, Quintero, Perea
Noes	:	None
Absent	:	Ronquillo

(C) AWARD A REQUIREMENTS CONTRACT FOR ELECTRICIAN SERVICES (LABOR ONLY)

Councilmember Ronquillo arrived at 2:08 p.m. Acting President Castillo stated his questions relative to the contract award process had been answered by staff and made a motion to approve.

On motion of Councilmember Quintero, seconded by Councilmember Calhoun, duly carried, RESOLVED, a requirements contract hereby awarded to Electric Motor Shop in the amount of \$44,200 for electrician services (labor only), by the following vote:

Ayes	:	Boyajian, Calhoun, Castillo, Duncan, Quintero, Ronquillo
Noes	:	Perea (<i>*Note - "No" vote clarified after announcing the next item</i>)
Absent	:	None

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(2:00 P.M. #2) CONSIDER CONTESTED CONSENT CALENDAR ITEMS:

(1-C) APPROVE AMENDMENTS TO AGREEMENTS WITH URS CORPORATION AMERICAS FOR ENVIRONMENTAL REVIEW AND PROFESSIONAL ENGINEERING SERVICES FOR THE DESIGN OF THE PEACH AVENUE WIDENING PROJECT BETWEEN BUTLER AND BELMONT AVENUES

*President Perea clarified his vote on the prior issue. Interim Public Works Director Holmes responded briefly to questions of Councilmember Boyajian relative to the cost and nature of the work.

On motion of Councilmember Boyajian, seconded by Councilmember Ronquillo, duly carried, RESOLVED, the amendments to the agreements with URS Corporation Americas for environmental review and professional engineering services for the design of the Peach Avenue Widening Project between Butler and Belmont Avenues hereby approved, and the City Manager authorized to sign both amendments on behalf of the City, by the following vote:

Ayes	:	Boyajian, Calhoun, Castillo, Duncan, Quintero, Ronquillo, Perea
Noes	:	None
Absent	:	None

(1-F) AWARD A ONE YEAR REQUIREMENTS CONTRACT FOR TRANSIT WINDOW GLASS GUARDS

Purchasing Manager Taggart responded briefly to questions of Councilmember Calhoun relative to whether approval as recommended by staff would lock the City into the extensions, and if staff could go with another company if market conditions change.

On motion of Councilmember Calhoun, seconded by Councilmember Duncan, duly carried, RESOLVED, a one year requirements contract with provisions for two one-year extensions hereby awarded to Transit Care, Inc., of Colton, CA in the amount of \$22,556.54 for transit window glass guards, by the following vote:

140-152

10/1/02

Ayes	:	Boyajian, Calhoun, Castillo, Duncan, Quintero, Ronquillo, Perea
Noes	:	None
Absent	:	None

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(2:00 P.M. #3) CLOSED SESSION

(A) CONFERENCE WITH LEGAL COUNSEL - FRIEND-OF-THE-COURT-PARTICIPATION - CASE NAME: HOWARD JARVIS TAXPAYERS ASSOCIATION, ET AL. V. COUNTY OF ORANGE, CITY OF HUNTINGTON BEACH AS REAL PARTY IN INTEREST, COURT OF APPEAL CASE NO. C029292

The City Council met in closed session in Room 2125 at the hour of 2:15 p.m. to consider the above issue and reconvened in regular open session at 2:31 p.m.

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(2:30 P.M.) APPROVE INTERIM STAND ALONE TAX SHARING AGREEMENT BETWEEN THE CITY OF FRESNO AND FRESNO COUNTY FOR ANNEXATION OF CERTAIN TERRITORY KNOWN AS "COPPER-MILLBROOK ANNEXATION NO. 2", AND RECEIVE REPORT REGARDING THE AVAILABILITY OF EARLY CONSTRUCTION AND MODEL HOME AGREEMENTS

Planning & Development Director Yovino reviewed the issue as contained in the staff report as submitted, recommended the stand alone agreement be approved, and advised no action was needed on the two early construction permits as staff was working with the developer and County staff to finalize details.

Gary McDonald, 7120 N Whitney, advised Fresno County unanimously approved the agreement this date and thanked Council and staff for the special effort and cooperation.

Councilmember Duncan thanked city attorney and development staff for their great work and made a motion to approve the agreement, which motion was seconded and later acted upon.

Assistant City Attorney Avila, City Attorney Montoy and City Manager Hobbs responded to questions and comments of Councilmember Boyajian relative to terms of the agreement, other agreements and if terms were the same, if other developers have made this request in the past, if this was fast-tracking, if other developers were caught up in LAFCO's decision to stop process applications due to the lack of a City/County Master Tax Sharing agreement, if preferential treatment was being given to this developer, if an environmental review was upcoming, if the SCCCD's campus' impact deserved to be environmentally looked at for this project since the City was the lead agency, and if staff felt the northeast campus would change the whole dynamic of this project. Mr. Hobbs interjected with a point of order and advised staff was present to assist Council with needed information and added staff should not be made part of policy debates as policy was determined by Council and explained. Discussion continued with Councilmember Boyajian commented additionally on how cumulative impacts may change circumstances, with Mr. Avila responding. Councilmember Ronquillo left the dais at 2:45 p.m. and returned after recess.

140-153

10/1/02

On motion of Councilmember Duncan, seconded by Councilmember Quintero, duly carried, RESOLVED, the Interim Stand Alone Agreement between the City and Fresno County hereby approved, by the following vote:

Ayes : Calhoun, Castillo, Duncan, Quintero, Perea

Noes : Boyajian
Absent : Ronquillo

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RECESS - 2:45 P.M. - 3:01 P.M.

(3:00 P.M.) APPEARANCE BY HARRY SAHAKIAN AND BARBARA BAKER TO DISCUSS AN APPRAISAL GIVEN BY THE CITY ON PROPERTY LOCATED AT 1353 AND 1333 BROADWAY

Not present when called.

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(3:05 P.M.) APPEARANCE BY ISABEL DEQUINTANA TO DISCUSS A DISPUTE BETWEEN NEIGHBORS AT PROPERTY LOCATED AT 1583 N. PACIFIC AVENUE

Ms. DeQuitana advised of the problems she and neighbors have encountered with her neighbors and Councilmember Ronquillo, City Attorney Montoy and City Manager Hobbs spoke to the process currently being undertaken to address the issue, responded to questions relative to whether the ordinance pertaining to landlords being responsible for tenants would come into play, and advised of the dual tracks of the District Attorney and the landlord that the city was pursuing. There was no further discussion.

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(3:15 P.M. #1) CONSIDER RECOMMENDATIONS RECEIVED FROM THE COUNCIL SUBCOMMITTEE AND HUMAN RELATIONS COMMISSION AND AWARD SOCIAL SERVICE CONTRACTS EFFECTIVE OCTOBER 1, 2002

President Perea made opening remarks, reviewed the background of the issue, and spoke to the Legion of Valor funding issue and clarified they would continued to be funded from a source to be determined by Council.

Dave Houck, HRC Social Service Funding Committee Chair, advised of the process that was undertaken by the committee and what the funding criteria was.

Committee Member/Councilmember Boyajian stated he and Acting President Castillo's priorities were children/minors, at risk children and adults, and the disabled; noted the Mayor moved 4-5 organizations into social service funding which they did not feel was an appropriate area; and questioned how the Fresno High Babe Ruth League and the Legion of Valor were funded last year. Mayor Chief of Staff White advised the two organizations and a few others were funded under the Mayor's FY 02 Youth Service budget and Non-Departmental, and noted with

Mayor's Youth Service budget not being funded this year and Council's decision to eliminate Non-Departmental the Council Budget Committee agreed all organizations should compete for the social service funds. President Perea stated although the Budget Committee discussed all organizations competing Council did not officially take that position.

Acting President Castillo stated he and Councilmember Boyajian's responsibility of making the funding decisions was a difficult position to be in adding no one wanted to volunteer because of the difficulty and resulting criticism, and Councilmember Boyajian noted Fresno REEL Pride was one exception and was being recommended for funding because of what the organization does and what they give back to the community. Deputy City Manager Haynes responded briefly to questions of President Perea relative to which organizations were new to the social service funding area.

Speaking to the issue and/or in support of funding for various organizations were: Art Hill, Director, Legion of Valor Museum; Peter Hagel, 149 N. Fulton, Catholic Charities; Bob Avery, House of Hope Board of Directors, 4122 N. Harrison; Rebecca Lopez, YMCA Teen Connection, 1537 N. College; Gordon Pickett, 1388 Birch; Stebbins Dean, CEO, Chamber of Commerce, 2331 Fresno Street, in support of the Legion of Valor; Kathleen Mancebo, Fresno Area Non-Profit Council, 4270 N. Blackstone **(6 - 0)**; Ron Markarian, President, US Army, Central CA Chapter, support of the Legion of Valor; Rev. Roger Minassian, Hope Now for Youth, 330 E. Everglade; Sam Kaltayan, Legion of Valor, 6117 N. Teilman; Dave Houck, REEL Pride, 2890 E. Huntington Blvd.; Leon Rockwell, 2279 W. Birch, Legion of Valor; Donna Ueland, Executive Director, Volunteer Center; John Mitchell, Post 4 Commander, 439 N. Chestnut, Legion of Valor; Kathleen McIntyre, Human Services Coalition, 3795 E. Shields; Rafael Villareal, Case Manager, House of Hope for Youth, 3059 E. Lamona; and Janine Hultz, 4421 N. Cedar #200, Friendship Center for the Blind.

Ms. White read a letter from Mayor Autry stating his support for funding the Legion of Valor in the amount of \$23,000, and clarified issues relative to group classifications and funding, Non-Departmental being eliminated and staff having to find funding for the organizations that were not funded with social service funds in the past, and the issue of competing for funds and staff's impression that that was okay. President Perea noted when Non-Departmental was eliminated the dollars were reallocated somewhere else, stated there were a lot of great programs and this was not an issue of support for Veterans or not, and stated this discussion of pitting one group against another should not be occurring

Gloria Torrez spoke in support of funding for victims/survivors, at-risk adults and children, the poor, working poor, homeless, students, and ultimately the need to invest in all people.

Discussion ensued with Councilmember Ronquillo speaking in support social service funds and stating (1) there were a number of funding sources, (2) the term "social services" should not matter when it comes to funding and elaborated, and (3) he did not support funding any "new" organizations (organizations not funded in the past). Councilmember Duncan stated there was only one pool of money -- the General Fund; stated at issue was how to best allocate the \$600,000; noted Council empowered the HRC to go through an elaborate process and expressed concern with ignoring their recommendations; spoke to the reality of social service funds dwindling and the struggle to maintain basic infrastructure; stated clear direction up front was probably not given to the HRC relative to funding new programs that had never been funded before; and stated his support for funding organizations that have proven themselves with a history of performance. Councilmember Boyajian stated Parks and Recreation was in charge of the Legion of Valor Museum and they should be looked at for funding; stated new groups deserved to be funded **(7 - 0)**; and reiterated

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the Legion of Valor funding was coming from the wrong pool of money and it was not fair to pit Veterans against the disabled.

City Manager Hobbs stated there were too many needs and too few dollars; noted there was a real debate on whether or not the City should be, or can afford to be, in the business of subsidizing social service programs adding

those programs were not considered part of the traditional municipal service; and spoke to the City funding a grant writer through the United Way to work with agencies in securing grants, the \$600,000 budgeted, the process of the HRC making recommendations and Council making the final decision, and the problem of the issue going to a Council sub-committee and coming back with what he felt was a serious incongruity relative to their recommendation to fund REEL Pride and not the Legion of Valor and explained.

Mr. Haynes, Mr. Houck and Ms. White responded to questions of Councilmember Quintero and/or clarified issues relative to which agencies in the HRC recommendations did not receive any funding from any source last year, which agencies received funds from the Mayor's Youth Service budget, if the HRC considered the tight budget and funding only those funded last year, and if REEL Pride had sought funding from individual Council members' infrastructure budgets, with Councilmember Quintero clarifying 15% of Council infrastructure funds could go to community organizations. Councilmember Quintero made a motion, * which he later clarified, to approve the HRC's recommendations, as amended, deleting funding for the eight new agencies numbered 1, 7, 11, 12, 14, 22, 25 and 29 in the staff report, and dividing those funds among the remaining agencies, which motion was seconded and acted upon after additional discussion.

President Perea commented on various issues including social service funds slowly diminishing, cultural organizations and museums being put into the wrong funding area and need for them to be funded from another source as in past years, the city manager's comments relative to the politics of scarcity and conflict with the Mayor's letter and putting the Legion of Valor into social services, concern with pitting the Legion of Valor against the REEL Pride Festival and explained, and stated his support for the motion. *Councilmember Quintero clarified his motion made earlier. Councilmember Ronquillo requested an amendment to the motion to include funding those organizations (i.e. the Edison Babe Ruth League) who were funded last year from other areas. Upon question of Councilmember Quintero, Ms. White stated the Mayor's Youth Service budget was no longer available. Councilmember Ronquillo spoke further to funding the Edison Babe Ruth League, how those funds were leveraged, and to the need to, and importance of, funding the League again this year. Councilmember Quintero stated his original motion would stand reiterating Council members could spend 15% of their infrastructure funds on organizations. Councilmember Duncan committed to assisting Councilmember Ronquillo in raising funds for the Edison Babe Ruth League.

On motion of Councilmember Quintero, seconded by Councilmember Duncan, duly carried, RESOLVED, the recommendations of the Human Relations Commission hereby approved, as amended, deleting funding for Big Brothers Big Sisters (#1), Central Valley YMCA (#7), CSUF Foundation/Friendly Visitor Service (#11), D.A.N.C.E. Empowerment (#12), Edison High Babe Ruth Baseball League (#14), Fresno REEL Pride (#22), Hmong American Women Association (#25), and Lao Veterans of America Institute (#29), and dividing those funds equally among the remaining agencies, by the following vote:

Ayes	:	Castillo, Duncan, Quintero, Perea
noes	:	Boyajian, Calhoun, Ronquillo
Absent	:	None

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(3:15 P.M. #2) DISCUSSION OF TRANSFER OF CONTRACT ADMINISTRATION OF SOCIAL SERVICE GRANT AWARDS FROM THE PARKS AND RECREATION DEPARTMENT TO THE FINANCE DEPARTMENT - COUNCILMEMBER CALHOUN

Briefly reviewed by Councilmember Calhoun who noted just recently one of the organizations had to be audited

by the Finance Department and he felt it was time for Finance to be the place where monies are disbursed and auditing is done, and made a motion to transfer contract administration and auditing to the Finance Department *after the checks are disbursed this year*, and transfer the entire process of disbursing of checks, contract administration, and auditing to the Finance Department next fiscal year, which motion was seconded and acted upon after lengthy discussion.

City Manager Hobbs noted Parks & Recreation (P & R) currently prepares and executes the Council-approved social service agency agreements, collects monthly and quarterly reports, and issues quarterly payments; advised the site monitoring and program reviews were eliminated due to budget cuts and the roll was transferred to the Ombudsman which was also subsequently eliminated; and stated if the motion is approved he would report back with an assessment on how to carry out those duties. Upon question of President Perea, Mr. Hobbs stated he would first try to see if the duties could be handled as a scope of work of the internal audit before asking for additional staff, and advised staffing was not currently available to handle the duties to the extent Councilmember Calhoun was talking about.

Councilmember Boyajian questioned if there would be input from P & R or Finance with Mr. Hobbs clarifying he would provide a staff report if the motion is approved. City Attorney Montoy clarified a resolution would be required to accomplish this direction and that action this date would only be direction to staff to return with a report and enabling resolution. Mr. Hobbs responded to additional questions of Councilmember Boyajian relative to who currently monitored the money, whether there should automatic accountability, and who monitored performance of the agencies. Acting President Castillo suggested the City work with and give a check to Fresno County -- who is responsible for social services -- and let them decide how to disburse the funds and conduct the oversight, stated if they choose not to provide oversight or did not want the money the City could hold the money back, and reiterated social services was a function of the County and there was no need for Council to engage in a "food fight" like the one that just occurred.

Finance Director Quinto, Ms. Montoy and Mr. Hobbs clarified issues and/or responded to questions and comments of Councilmembers Duncan, Ronquillo and Quintero relative to whether follow-up occurred on a complaint basis only, Ms. Quinto advising of a routine audit program staff was currently working on for this fiscal year, the need for accountability, the need for the City to continue to fund social service agencies and be in control, and the quarterly payments and suggestion to not fund agencies unless a quarterly audit is received. Councilmember Calhoun clarified the sole intent of his motion was to have checks disbursed and auditing conducted by the appropriate department. Councilmember Ronquillo left at 5:17 p.m. and was absent for the remainder of the meeting.

Brief discussion continued with Ms. Quinto speaking additionally on the two audits conducted, and Councilmember Calhoun stating he did not know a resolution was needed for this action and that staff should have informed him of the process, with Ms. Montoy and Mr. Hobbs responding.

On motion of Councilmember Calhoun, seconded by Councilmember Duncan, duly carried, **RESOLVED**, staff directed to return with a report and enabling resolution to transfer contract administration and auditing from Parks and Recreation to the Finance Department *after the checks are disbursed this year by Parks and Recreation*, and transfer the entire process of check disbursement, contract administration, and auditing to the Finance Department next fiscal year, by the following vote:

Ayes : Boyajian, Calhoun, Castillo, Duncan, Quintero, Perea
Noes : None
Absent : Ronquillo

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(5:30 P.M.) HEARING ON THE 2025 GENERAL PLAN AND MASTER ENVIRONMENTAL IMPACT REPORT
NO. 10130 **(CONTINUE TO OCTOBER 22, 2002 AT 9:00 A.M.)**

Continued as noted.

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ADJOURNMENT

There being no further business to bring before the Council, the hour of 5:21 p.m. having arrived and hearing no objections, President Perea declared the meeting adjourned.

APPROVED on the 8th day of October, 2002.

Henry Perea, Council President

ATTEST: _____
Yolanda Salazar, Assistant City Clerk